

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
NATIONAL SCIENCE AND TECHNOLOGY)	File No. D102126
NETWORK, INC.)	
Licensee of Station WPME699, Monte Nido, La)	
Crescenta, and Glendale, California)	

ORDER OF MODIFICATION

Adopted: March 16, 2010

Released: March 17, 2010

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* By this *Order of Modification*, we modify the license of National Science and Technology Network, Inc. (NSTN) for Station WPME699 by changing the authorization from FB8 (centralized trunking) to FB6 (decentralized trunking) and decreasing the number of mobile units at the Glendale site to eighty-eight. As explained below, we take this action pursuant to an earlier order proposing to modify NSTN's license.¹

2. *Background.* Pursuant to Section 90.313 of the Commission's Rules, the maximum loading for a 470-512 MHz Industrial/Business Pool channel is ninety units, and a channel loaded to capacity cannot be assigned to other users within forty miles without the consent of the affected licensee(s) or pending applicants.² In 1992, Mobile Relay Associates (MRA) filed an application for a new base station at Sierra Peak, Corona, California, and two associated mobile units, operating on frequency pair 472/475.3125 MHz.³ NSTN filed an informal objection, arguing that the application was coordinated in error, and NSTN already had all the available loading on the channel.

3. In 1998, while the MRA application was pending, NSTN filed an application to modify its license for Station WPME699 to increase the number of mobile units operating on frequency pair 472/475.3125 MHz from eighty-eight to five thousand, and to employ centralized trunking so that NSTN would no longer have to monitor the channel before transmitting.⁴ Station WPME699's Glendale base station is approximately thirty-seven miles from Sierra Peak. NSTN did not coordinate its application with MRA. NSTN's application was granted in 1998.

4. MRA's 1992 application was granted in 1999 under Call Sign WPPG553. In 2004, MRA requested that NSTN's license for Station WPME699 be modified, pursuant to Section 316 of the Communications Act of 1934, as amended (the Act),⁵ to reduce the mobile count and permit only decentralized trunking, which would require NSTN to monitor the channel before transmitting.⁶ MRA

¹ See National Science and Technology, Inc., *Memorandum Opinion and Order and Order Proposing Modification*, 25 FCC Rcd 559 (2010) (*Memorandum Opinion and Order and Order Proposing Modification*).

² See 47 C.F.R. § 90.313(a)(2) (maximum loading for Industrial/Business Pool is ninety units), (b) (loading standards can be exceeded by agreement of all those sharing the channel), (c) (a channel may be assigned without reference to loading at locations forty miles or farther away).

³ See FCC File No. 414473.

⁴ See FCC File No. D102126.

⁵ 47 U.S.C. § 316.

⁶ Request to Initiate Modification Proceedings (filed October 1, 2004).

asserted that NSTN's 1998 application was defective because it lacked MRA's consent, which was required because NSTN proposed to operate co-channel within forty miles of the site requested in MRA's then-pending 1992 application.⁷

5. In 2007, we denied MRA's modification request, and denied MRA's petition for reconsideration.⁸ On review, however, the Commission reviewed the 1992 coordination certification showing that frequency pair 472/475.3125 MHz was loaded to only eighty-eight mobile units, and concluded that MRA's 1992 application was indeed properly coordinated.⁹ In light of this evidence, the Commission proposed to modify NSTN's license to permit only decentralized trunking in order to allow MRA to share the channel.¹⁰

6. *Discussion.* The *Memorandum Opinion and Order and Order Proposing Modification* was released on January 14, 2010. NSTN did not protest the proposed modification of its license within the requisite thirty-day time frame.¹¹ Accordingly, NSTN is deemed to have consented to the proposed modification. Based on the record before us, we conclude that it is in the public interest to modify NSTN's license for Station WPME699, Monte Nido, La Crescenta, and Glendale, California, by changing the station class code for frequency 472.3125 MHz at location 3 from FB8 to FB6, and reducing the number of mobile units on frequency 475.3125 MHz at location 8 from five thousand to eighty-eight and changing the station class code from MO8 to MO6.

7. *Conclusion and Ordering Clauses.* Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of National Science and Technology Network, Inc. for Station WPME699 BE MODIFIED by changing the station class code for frequency 472.3125 MHz at location 3 from FB8 to FB6, and reducing the number of mobile units on frequency 475.3125 MHz at location 8 from five thousand to eighty-eight and changing the station class code from MO8 to MO6.

8. IT IS FURTHER ORDERED that this *Order of Modification* SHALL BE SENT by certified mail, return receipt requested, to: (1) Professional Licensing Consultants, Inc., PO Box 171, Rockville, MD 20849, Attn. J. A. (Josie) Lynch; (2) National Science and Technology Network, Inc., 2050 S Bundy Drive, Suite 285, Los Angeles, CA, Attn: Ted S. Henry; and (3) Alan M. Lurya, Attorney at Law, 18662 MacArthur Blvd., Suite 200, Irvine, CA 92612.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁷ See *id.* at 1.

⁸ See National Science and Technology Network, Inc., *Order*, 22 FCC Rcd 3916, 3916-17 ¶ 3, *aff'd*, *Order on Reconsideration*, 22 FCC Rcd 20973 (WTB 2007).

⁹ *Memorandum Opinion and Order and Order Proposing Modification*, 25 FCC Rcd at 561 ¶ 7.

¹⁰ *Id.* at 561 ¶ 8. The Commission delegated authority to the Wireless Telecommunications Bureau to take appropriate action in this proceeding. *Id.* at 563 ¶ 12.

¹¹ See 47 C.F.R. § 1.87(g)(1).